

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|------------------------------|---|--------------------|
| WILLIAM DAVIDSON HAMBY, JR., |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | No. 3:12-1296 |
| |) | Judge Sharp/Bryant |
| |) | |
| BETH GENTRY; DARON HALL, |) | |
| |) | |
| Defendants |) | |

MEMORANDUM AND ORDER

Plaintiff Hamby, a prisoner who is proceeding *pro se* and *in forma pauperis*, has simultaneously filed three motions seeking injunctive relief: Motion for Cease and Desist Order (Docket Entry No. 35), Motion for Injunctive Order (Docket Entry No. 36), and Motion for Temporary Restraining Order (Immediate) (Docket Entry No. 37). Defendants have filed a response in opposition (Docket Entry No. 38).

For the reasons stated below, the undersigned Magistrate Judge finds that these three motions should be DENIED.

First, it appears that the matters and incidents upon which Plaintiff seeks injunctive relief are matters lying wholly outside the issues raised in the complaint. Moreover, Plaintiff seeks specific injunctive relief against three individuals - Jamie Johnson, Sgt. Bertram, and Lt. Geiss - all of whom are neither mentioned or named as defendants in the complaint. The United States Supreme Court has held that a preliminary injunction is appropriate to grant intermediate relief of the same character as

that which may be granted finally, and is not appropriate if it "deals with a matter lying wholly outside the issues in the suit." *DeBeers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945). Courts have held that preliminary injunctive relief should be denied when the motion seeks relief for actions unrelated to those upon which the complaint is based. *Corsetti v. Hackel*, 2012 WL 4955275 (E.D. Mich. Sept. 26, 2012); *Jones v. Jensen*, 2012 WL 4508181 (W.D. Mich. Aug. 2, 2012); *Jackson v. Bailey*, 2009 WL 6056016 (W.D. Mich. Nov. 20, 2009); *Thomas v. DeBoer*, 2009 WL 4068438 (W.D. Mich. Nov. 23, 2009).

Because Plaintiff seeks injunctive relief for matters unrelated to claims in his original complaint, and because Plaintiffs seeks injunctive relief against individuals who are not parties to this case, the undersigned Magistrate Judge finds that his motion for injunctive relief (Docket Entry Nos. 35, 36, and 37) should be **DENIED**.

It is so **ORDERED**.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge